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MT LEGISLATIVE HISTORY

Chapter 430 1991

Bill H _____ S 117 Original bill & hist. ___C

H. Committee on Education and Cultural Resources

Hearing Date(s)		S. Committee on Education and Cultural Resources	
Hearing Date(s)			
March 14	✓C	Jan 25	✓C
April	✓C	Jan 30	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out			
April	✓C	Jan 31	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator Chet Blaylock, Chairman, on January 25, 1991, at 1:00 p.m., Room 402.

ROLL CALL

Members Present:
Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Robert Brown (R)
Bill Farrell (R)
Dennis Nathe (R)
Dick Pinsoneault (D)
Mignon Waterman (D)
Bill Yellowtail (D)

Members Excused: Senator Hammond

Staff Present: Eddye McClure (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON SENATE BILL 117

Presentation and Opening Statement by Sponsor:

Senator Pipinich, sponsor, said this bill asks the Board of Regents according to the policy established by the Board of Regents that the security law enforcement or police security systems can pack weapons during the daytime. He said they are now allowed to pack weapons on the two dark shifts, but they cannot pack them during the daytime. It would be for security guards who have successfully completed the basic course of law enforcement conducted by Montana law enforcement academy to carry firearms in accordance with policy established by the Board of Regents. He stated that the student body asked to have an amendment added to the bill (Exhibit 1) which he would support.

Proponents' Testimony:

1/17	INTRODUCED		
1/17	REFERRED TO TAXATION		
1/17	FIRST READING		
1/18	FISCAL NOTE REQUESTED		
1/23	HEARING		
1/23	FISCAL NOTE PRINTED		
1/23	FISCAL NOTE RECEIVED		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	48	1
2/05	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/06	FIRST READING		
2/06	REFERRED TO TAXATION		
2/20	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED		
3/09	2ND READING CONCURRED	79	11
3/11	3RD READING CONCURRED	85	14
	RETURNED TO SENATE		
3/16	SIGNED BY PRESIDENT		
3/18	SIGNED BY SPEAKER		
3/18	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 130	EFFECTIVE DATE: 7/01/91	

SB 117 INTRODUCED BY PIPINICH, ET AL.
REMOVE RESTRICTIONS ON UNIVERSITY SECURITY GUARDS CARRYING FIREARMS

1/17	INTRODUCED		
1/17	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/17	FIRST READING		
1/25	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/02	2ND READING PASSED	38	8
2/04	3RD READING PASSED	40	9
	TRANSMITTED TO HOUSE		
2/05	FIRST READING		
2/05	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/14	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED		
4/05	2ND READING CONCURRED	49	47
4/06	3RD READING CONCURRED	53	42
	RETURNED TO SENATE		
4/11	SIGNED BY PRESIDENT		
4/12	SIGNED BY SPEAKER		
4/12	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 430	EFFECTIVE DATE: 10/01/91	

SB 118 INTRODUCED BY NOBLE
REPEAL PETROLEUM PRICE DISCRIMINATION LAW

1/17	INTRODUCED
1/17	REFERRED TO BUSINESS & INDUSTRY
1/17	FIRST READING
1/17	FISCAL NOTE REQUESTED
1/22	FISCAL NOTE PRINTED
1/22	FISCAL NOTE RECEIVED
1/23	HEARING
2/19	TABLED IN COMMITTEE

SB 119 INTRODUCED BY NOBLE
REQUIRE RECORDING & REPORTING OF CERTAIN

LeRoy Schramm, chief legal counsel for the Montana University system, speaking on behalf of the Board of Regents, presidents of the six campuses of the University system and the Commissioner of Higher Education, said they favor this bill. He said they also support the amendment, requiring prior consultation with the student body units. He said there is growing concern nationwide of evidence of campus crime. He noted the Regents in considering this bill were clear that they did not want a bill that automatically said that firearms could be carried on the campuses, but that the bill would give them authority to operate on a campus by campus basis to expand the present scope of firearms.

Representative Vicki Cocchiarella said the campus security are not equipped as police during the daytime and that it is important to make the distinction in debating this matter that if campus police are not policemen, then they shouldn't be required to wear a uniform or drive a car or look like police. She concluded that security police should be equipped to defend and protect.

Sheila Stearns, University of Montana legislative liaison, said she is representing President Dennison of the University of Montana in support of Senate Bill 117, in that it would repeal statutory prohibition of UM policemen carrying firearms from 8:00 until 5:00. They could still carry firearms if they are graduates of the law enforcement academy and in accordance with policies established by the Board of Regents.

Tom Schneider, Montana Public Employees Association, speaking on behalf of the campus police officers supports this bill as amended. He said he also is speaking as a parent in support of this legislation.

Robert VanDerVere, concerned citizen lobbyist, speaking for himself spoke in favor of the bill as amended.

Chief Jim Oberhofer, Missoula Police Department, read a letter submitted to the Board of Regents in November 1990 in support of this issue. (Exhibit 2)

Mark Piquette, intern for the Montana university system, and senior at Montana State University, read a statement by Craig Roloff, vice president for administration, MSU. (Exhibit 3)

John Dolan, representing student body at Montana State University, spoke in favor of the bill as amended.

Doug Chase, Missoula county sheriff, read a statement in support of Senate Bill 117. (Exhibit 4)

Fritz Behr, senior administrative assistant to Governor Stephens, spoke in support of Senate Bill 117. He stated the bill as he saw it has no fiscal impact.

Patrick McClary, representing Associated Students of University of Montana, spoke in support of Senate Bill 117 as amended saying it would give campuses the freedom to make a gun

policy for their individual campus. (Exhibit 5)

Gene Kiser, director of Montana peace officers standards and training council, responsible for certification of peace officers in state, spoke in support of the bill.

Senator Pinsoneault, Senate District 27, stated he carried the bill in 1985 which was defeated in the Senate, and if SB 117 passed this session we should not wait until there is a disaster before allowing campus security to do the job they are hired to do. He urged support of the bill.

Charles Gatewood, policeman at the University of Montana, presented a folder showing support for SB 117. (Exhibit 6) He said the security guards would like to have the tools to do the jobs they are sworn to do.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock questioned Pat McClary of ASUM regarding support of the bill as amended, and Mr. McClary said the U of M is in support of the current gun policy and would like to have the Regents continue that policy at the U of M. Senator Blaylock questioned Mr. Schramm as to how many times the campus police in the daytime had to call the local police department because of a dangerous situation. Ken Willett, director of campus security at the U of M, said Exhibit 6 contained much of that information. Senator Blaylock questioned how many times the metropolitan police have been called for their assistance. Mr. Willett said he could not give an exact number but they call for backup once or twice a month and also in the evening. Senator Blaylock said he is unconvinced that the violence at the campuses could have been prevented with this bill. Mr. Gatewood said there are situations in family housing where they are allowed to have weapons in their home, and campus security go into that situation unarmed where there could be violence. He feels that the officers at the U of M have all the tools to do their job except they are not armed during the daylight hours.

In other committee questioning, LeRoy Schramm said the Regents feel there are situations where a handgun would be helpful and that the Regents would like to be able to craft the policy to address those situations. Senator Yellowtail questioned if we would see sidearms on police officers on university campuses. He asked if there is a policy prohibiting and providing penalty for possessing firearms in campus owned married student housing. Ken Stolz of UM campus services said they are considered private rental property and are allowed to have guns.

Closing by sponsor:

Senator Pipinich closed. He said officers do not carry weapons in the daytime in the cars. He said the weapons are in their lockers locked up at all times during the daytime. He urged support of the bill.

HEARING ON SENATE BILL 120

Presentation and Opening Statement by Sponsor:

Senator Bob Brown, sponsor, said the bill would require trustees of a school district to provide nontenure teachers with a true statement of reasons for termination and to provide a nontenure teacher with a hearing if there is reason to believe that trustees have abused their discretion. He said this bill is an attempt to make clear what was passed by the legislature about 15 years ago and has been characterized as the instant tenure bill.

Proponents' Testimony:

Phil Campbell, Montana Education Association, stated his support of the bill in that the reasons given to a nontenure teacher for termination are true and that there be some method for having the decision reviewed. He distributed a ruling by the Montana Supreme Court setting rights for nontenure teachers. (See Exhibit 7) He referred to various cases before the Supreme Court with the Court's decisions. (See attachment to Exhibit 7) He presented to the committee a copy of House Bill 384 introduced in the 1975 session and committee minutes related to that bill. (See Exhibit 8) He said SB 120 is not an instant tenure bill, and the burden of proof is on the teachers and not the school districts.

Beda Lovitt, Office of Public Instruction, stated Superintendent Keenan's support of the bill and the motivation behind the bill as a just cause and fair amendment that would allow nontenure teachers a semblance of security and rights.

Terry Minow, representing Montana Federation of Teachers, stated her strong support of the bill and said they would submit written testimony later.

Opponents' Testimony:

Bruce Moerer, representing Montana School Boards Association, stated his opposition to the bill in that it does away with the probationary period. He stated this bill does not provide an automatic hearing for a teacher like the normal teacher termination hearing that is required. With this bill, termination is accomplished first and then teacher has right to

Exhibit 1
1-25-91

Amendments to Senate Bill No. 117 SB 117
First Reading Copy

Requested by Senator Bob Pipinich
For the Senate Committee on Education

Prepared by Tom Gomez
January 24, 1991

1. Page 1, line 16.
Following: "~~valuables~~"
Insert: "after consulting with the student body government at the unit of the university system affected by the regents' policy"

Exhibit 2
1-25-91
SB 117

MISSOULA
"TO PROTECT AND TO SERVE"
CITY POLICE DEPARTMENT
435 RYMAN ST. • MISSOULA, MT 59802-4297 • (406) 523-4777 • FAX (406) 728-6690

November 15, 1990

Kermit Schwanke, Member
Board of Regents
619 Beverly
Missoula, Montana 59801

Dear Kermit:

I am writing this letter in reference to the ongoing debate regarding the arming of the University of Montana Security Police.

I must admit that my first reaction to this decision was genuine surprise and concern. I find it very alarming that we have sworn law enforcement officers responding to calls for assistance and performing routine patrol duties unarmed.

I fully realize that you have been inundated with opinions regarding the pro's and con's of this decision and I am also aware that I probably have no "new" views on this issue. However, I do have one or two points that I feel I must address.

First and foremost with any law enforcement agency is the training of their personnel. These officers are trained professionals who know the consequences of drawing their weapon or using deadly force. By the same token, a major part of the training for law enforcement officers is honing the ability to defuse potentially violent situations without using their weapon.

A weapon does not need to be viewed as an aggressive tool, often times the authoritarian presence of a fully uniformed law enforcement officer can have a calming effect. Unfortunately, for those situations where an officer is placed in the precarious position of needing to defend himself or a private citizen, they need to be afforded all the necessary tools to perform their duty, to include a gun.

The concerns of the Board and the student body members who object to the around the clock arming of the Security Police should by no means be disregarded. BUT, the expectations and rights of the citizens requesting their assistance must also be addressed, not to mention the worries of the family members of these officers.

Security Officers from the U of M respond to a variety of calls ranging from persons locked out of their homes to disturbances in progress. The citizens calling for assistance have the right to expect qualified, prepared and capable law enforcement response.

In closing, I feel that it is wrong to ask a law enforcement officer to place himself in any type of situation where he cannot adequately protect or defend himself. It is unfortunate, but a fact nonetheless, if you wear a uniform you are a target. By arming your officers only at designated times, you are only further inhibiting them in the performance of already difficult job.

Thank you in advance for your attention to my concerns and opinions and I sincerely hope you will reconsider this decision.

Respectfully submitted,

J. L. Oberhofer
Chief of Police

JLO/ll

Exhibit 3
1-25-91
SB 117

MONTANA STATE UNIVERSITY
1893•CENTENNIAL•1993

Vice President
for Administration

204 Montana Hall
Montana State University
Bozeman, MT 59717-0001

Telephone 406-994-4361

January 25, 1991

Senator Bob Pipinich
State Capitol
Capitol Station
Helena, MT 59620

RE: SUPPORT OF SENATE BILL 117

Dear Senator Pipinich:

Please accept this as testimony for Senator Chet Blaylock and all members of the Senate Education Committee.

> Mr. Chairman and members of the Committee, my name is Craig Roloff. I am the Associate Director of Administration at Montana State University.
>
> On behalf of our Director of Security, and all of our Officers, Montana State University supports SB 117 which proposes to transfer responsibility to the Regents for the development of a policy to regulate the times at which Officers can carry firearms on campus.
>
> Both the Administration and Security staff of Montana State University are fully prepared to work with the students of MSU to develop a policy that is appropriate for our campus.
>
> Thank you for your support of this legislation.

Senator Pipinich, if I can be of further assistance regarding this matter, please do not hesitate to contact me.

Sincerely,

Craig Roloff

cc: Michael Malone
Jim Isch
Marilyn Wessel
Don Wortman
Merv Gunderson

Exhibit 4

SSOULA
COUNTY

MISSOULA COUNTY SHERIFF'S DEPARTMENT
200 W. BROADWAY
MISSOULA, MONTANA 59802

Phone (406) 721-5700
Fax (406) 721-8575

Ex. 4
1-25-91
SB 117

DOUG CHASE
Sheriff
LARRY WEATHERMAN
Undersheriff

MEMBERS OF THE EDUCATION COMMITTEE,

I'M DOUG CHASE, MISSOULA COUNTY SHERIFF AND I AM HERE TO SUPPORT SENATE BILL 117.

MY REASONS FOR BELIEF THAT UNIVERSITY POLICE OFFICERS SHOULD BE ARMED WHILE ON DUTY, DURING DAY SHIFT HOURS, ARE AS FOLLOWS:

1. ALL BUT ONE OF THE U OF M OFFICERS HAVE PASSED THE BASIC POLICE OFFICER'S STANDARDS AND TRAINING COURSE AT BOZEMAN. THIS QUALIFIES THEM TO BE A LAW ENFORCEMENT OFFICER WITH ANY AGENCY THAT WOULD SELECT THEM. AS YOU ARE AWARE, ALL LAW ENFORCEMENT MUST COMPLETE THE BASIC COURSE WITHIN ONE YEAR.

2. THE OFFICERS ON CAMPUS IN OUR COMMUNITY, AS IT SHOULD BE, ARE READILY IDENTIFIED BY WEARING A DISTINCTIVE UNIFORM.

3. THE MAJORITY OF THE TIME THESE OFFICERS DRIVE AN EASILY IDENTIFIED LAW ENFORCEMENT VEHICLE. AGAIN AS IT SHOULD BE.

4. THEY ARE, AMONG ALL THEIR ADDITIONAL DUTIES, PRIMARILY LAW ENFORCEMENT OFFICERS FOR THE CAMPUS THEY SERVE. IN OUR CASE A SMALL COMMUNITY WITHIN OUR COMMUNITY. AT ANY TIME THOUSANDS OF STUDENTS, ADMINISTRATORS, FACULTY AND ANCILLARY SERVICE EMPLOYEES ARE ON CAMPUS. THERE ARE HUNDREDS IF NOT THOUSANDS OF VISITORS TO THE CAMPUS WEEKLY.

5. THE CALIBER OF PEOPLE HIRED ARE TOP QUALITY, AND IN AT LEAST TWO (2) CASES I AM AWARE OF TWENTY (20) YEARS VETERANS OF THE MISSOULA CITY POLICE DEPT.

6. AS FORMER CHIEF OF POLICE AND A STREET OFFICER AS WELL, I RECOGNIZE THE VALUE OF THESE OFFICERS. THEY RELIEVED THE CITY OF TREMENDOUS RESPONSIBILITY IN HANDLING CALLS TO THE CAMPUS AND THE ADJOINING UNIVERSITY OF MONTANA AREA. ALSO, YOU COULD COUNT ON THEM FOR BACKUP AND ASSISTANCE IF THE CALL WAS CRITICAL AND THEY WERE NEARBY.

THE OFFICERS SERVING UNIVERSITY OR COLLEGE POLICE FORCES ARE HELD TO THE SAME HIGH STANDARDS OF ETHICS, COMMON SENSE, ABILITY AND WILLINGNESS TO COMMUNICATE, COUPLED WITH EMOTIONAL STABILITY,

Ex. 21
1-25-91
SB 117

AS OUR CITY,COUNTY AND STATE LAW ENFORCEMENT AGENCIES ARE.

THEY ARE REQUIRED AND EXPECTED TO ROLL ON ANY CALL INVOLVING THEIR JURISDICTION. THEY ARE INDEED, IN THE EYES OF THE PUBLIC, VIEWED AS A TOTAL OFFICER OF THE LAW. THEIR CALLS CAN BE VIOLENT AS WE'VE RECENTLY NOTED OR AS SIMPLE AS A LOST ITEM.

A JOURNEYMAN, TRADESMAN OR PROFESSIONAL PERSON NEEDS ALL THE TOOLS OF THEIR TRADE IN ORDER TO ACCOMPLISH THE MISSION ASSIGNED. THE PERPETRATOR OF A VIOLENT CRIME WILL NOT LOOK TO SEE WHAT TIME IT IS OR IF THE OFFICER IS ARMED. HE WILL ASSUME THAT BY THE APPEARANCE, THE OFFICER IS FULLY EQUIPPED. THE UNARMING DURING CERTAIN HOURS IS NOT ONLY UNFAIR TO THE OFFICER; BUT TO THE VICTIM THE OFFICER IS ATTEMPTING TO SERVE, OR THE BACKUP HE OR SHE IS ATTEMPTING TO PROVIDE TO A FELLOW OFFICER.

Exhibit 5
1-25-91
SB 117

SENATE EDUCATION

1-25-91

Associated Students of the University of Montana

Introduction

*Support the bill

ASUM Decision

*Much Debate

*Not Unanimous

*Conclusion=Support the current gun policy

*Reasoning: Academic community unnecessary for enforcement during University's primary academic teaching period(8-5). Academic community is self regulating.

Other Schools' Decision

*Not Made-Yet

*Respect their right to make own decision

This Bill

*WITH Amendment it would allow students at other schools to make own decision.

*Fair and Justified piece of Legislation

; exhibit is a folder containing 27 pages concerning SB 117.
original is available at the Montana Historical Society, 225
Roberts, Helena, MT. 59601. (Phone 406-444-4775)

Ex. 6
1-25-91
SB 117

FOLDER CONTENT

TAB A — PROPOSED LEGISLATIVE CHANGE TO MONTANA CODE ANNOTATED (MCA 20-25-324)

TAB B — ARMING THE CAMPUS SECURITY OFFICER 24 HOUR PROTECTION

TAB C — PROPOSAL

TAB D — UNIVERSITY SECURITY OFFICER (Responsibilities) (Class Specification)

TAB E — LAW ENFORCEMENT EXPERIENCE RESIDENT AT THE UNIVERSITY OF MONTANA

TAB F — POLICIES AND PROCEEDURES FOR FIREARMS ON CAMPUS (Current Regulations)

TAB G — COPY OF SIGNED PETITION REQUESTING BOARD OF REGENTS AMMEND THE EXISTING LAW (MCA 20-25-324)

TAB H — LETTERS OF SUPPORT

(1) Office of the Governor (Senior Admin Assistant Fritz Behr)

(2) Department of Justice, Law Enforcement Academy Division (Basic Bureau Chief Jack Wiseman)

(3) Chief of Police, City Police Department, Missoula, MT

(4) Sheriff, Missoula County, Missoula, MT

(5) University of Montana, Director of Housing (Ron Brunell)

(6) Chief of Police Association (James P. Connors, President)

(7) Liz Stahl, University Staff, Comptrollers Office, University of Montana

TAB I — REP DIST # 65 , DON LARSEN, LETTER OF SUPPORT AND AGGREEMENT TO SPONSOR THE PROPOSED LEGISLATIVE CHANGE

Exhibits 7 & 8 were not transmitted with the minutes.

DATE 11/5/91

rate COMMITTEE ON Education

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
[illegible]	Twin Town Schools			X
Voytosk	Eagle School			
Klein	CLANCY SCHOOLS			
[illegible]	Belgrade Schools			
[illegible]	Yellowstone Educ Center	120		X
[illegible] Cocchiarella	Rep. HD 59	117	X	
[illegible] KISER	MBCC		X	
[illegible]	SAM -	120		X
[illegible]	[illegible]	120		X
[illegible] Tweedt	Ft Fall School Dist	120		X
[illegible] MOHR	Joliet School Dist	120		X
[illegible] WILLIAMS	JOLIET, School Dist	126		X
[illegible]	Valier	120		X
[illegible]	Bone Rock #13	120		X
[illegible]	Bridger #111	120		X
[illegible]	Livingston Schools	120		XX
[illegible]	Great Falls SD 1 & H	120		X
[illegible]	Joliet School Dist.	120		X
[illegible]	Vaughn SD #74	120		X
[illegible]	Butte High School	120		X
[illegible]	Dawson Co High Schs	120		X
[illegible]	MSBA	120		X
[illegible]	MSBA	120		X
[illegible] Campbell	MEA	120	X	

DATE 1/25/91

Senate COMMITTEE ON Education

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppo
Doug Chase	Missoula Co Sheriff Office; Assoc of U. of M Officers	117	✓	
Jim Oberhofer	Missoula Police Dept	117	✓	
Lt Vanderveere	Self	117	✓	
Chip Erdmann	MT Rural Ed Assoc	120	✓	X
Linda Adams	Univ of Mont	117	✓	
Mark Piquette	MSU	117	✓	
Ken Heifes	EMC	117	✓	
Jan Adams	MPEA	117	✓	
Fritz Behr	Gov's. Ofc.	117	✓	
Senator Bob Hawkes		117	✓	
J. Roy Schramm	Mt. Univ. System	117	✓	
Chris Gatewood	U of M Police	117	✓	
Jon State	MT Campus Services	117	✓	
Lou Willett	Dept of Campus Safety (UM)	117	✓	
Patrick McClung	ASUM	117	✓	
Jamie Jean	Florence-Carlton	120		✓
Steve Gratz	Charlo School #7	120		✓
Bud Vetz	Polson Schools	120		✓
John Dolan	ASMSU	117	✓	✓
Don Halgren	Ronan SD #30	120		✓
Dick Dorr	OPI	120	✓	
Tom Boyd	MSBA	150		
Dan Fuscher	MSBA	150		
Leslie Leighty	Montana College Coalition	117	✓	
Maryann S. Fine	MSBA	120		✓
[illegible]	MSU	117	✓	

FOLDER CONTENT

TAB A — PROPOSED LEGISLATIVE CHANGE TO MONTANA CODE ANNOTATED (MCA 20-25-324)

TAB B — ARMING THE CAMPUS SECURITY OFFICER 24 HOUR PROTECTION

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(7) Liz Stahl, University Staff, Comptrollers Office, University of Montana

TAB I — REP DIST # 65 , DON LARSEN, LETTER OF SUPPORT AND AGGREEMENT TO SPONSOR THE PROPOSED LEGISLATIVE CHANGE

___th Legislature _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING STATUTORY LIMITATIONS UPON THE CARRYING OF WEAPONS BY UNIVERSITY SECURITY GUARDS: AMENDING SECTION 20-25-324."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Firearms. Security Officers ~~guards~~ who have successfully completed the basic course in law enforcement conducted by the Montana law enforcement academy may carry firearms in accordance with policies established by the board of regents:

~~(1)--between-5-p.m.-and-8-a.m.;-and~~

~~(2)--whenever-guarding-money-or-other-valuables.~~

ARMING THE CAMPUS SECURITY OFFICER
24-HOUR PROTECTION

HISTORY:

TODAY'S UNIVERSITY OF MONTANA SECURITY OFFICERS ARE ARMED IN ACCORDANCE WITH MONTANA CODES ANNOTATED, 20-25-324:

" FIREARMS. SECURITY GUARDS SHALL BE AUTHORIZED TO CARRY FIREARMS BETWEEN SUNSET AND SUNRISE AND AT ANYTIME WHEN ACTING AS GUARDS FOR TRANSPORTATION OF MONEY OR OTHER VALUABLES ".

OUR HISTORY OF BEARING ARMS GOES BACK TO THE LATE SIXTIES WHEN THE ADMINISTRATION FIRST GRANTED LOCAL APPROVAL FOR THE CAMPUS SECURITY OFFICERS TO BE ARMED. ON JULY 1,1971, THE MONTANA LEGISLATURE MANDATED THE OFFICAL FORMULATION OF UNIVERSITY SECURITY DEPARTMENTS AND GRANTED THE STATUS OF " PEACE OFFICER " TO INDIVIDUALS AT THE VARIOUS MONTANA UNIVERSITY SYSTEM CAMPUSES.

PLEASE REMEMBER THAT THIS AUTHORITY HAS BEEN LIMITED IN NATURE. WITH THE EXCEPTION OF MONEY ESCORTS, THERE HAS NEVER BEEN A PROVISION TO ARM THE OFFICERS DURING THE DAYLIGHT HOURS.

PROBLEMS:

IN THE INTEREST OF BREVITY ONLY A PARTIAL LISTING OF THE PROBLEMS EXPERIENCED WILL BE PRESENTED:

1. THE MENTAL STRESS ON THE OFFICER WHEN RESPONDING TO UNKNOWN BURGLAR ALARMS OR OTHER RELATED INCIDENTS.

2. A RELUCTANCE BY THE OFFICERS TO RESPOND TO DISTURBANCES IN THE DORMS AND IN FAMILY HOUSING DURING DAYLIGHT HOURS? ([redacted]TE: FAMILY HOUSING POLICY ALLOWS THE FULL TIME POSSESSION OF FIREARMS BY THE STUDENT RESIDENT).

3. IN THE PAST YEAR THE DIVISION HAS RESPONDED TO VARIOUS INCIDENTS WHERE KNIVES OR FIREARMS WERE PRESENT OR READILY AVAILABLE.

4. IN THE SUMMER OF 1981 A FELONY RAPE OCCURED ON MOUNT SENTINEL. THE SUSPECT, WHO WAS LATER APPREHENDED, WAS ARMED WITH A LOADED PISTOL.

5. IN 1979 A CAMPUS SECURITY OFFICER DISARMED AN INDIVIDUAL WHO WAS HOLDING A HOSTAGE IN ONE OF THE DORMITORIES. BECAUSE THE INCIDENT TOOK PLACE AT NIGHT, THE OFFICER WAS ARMED AND ABLE TO RESPOND EFFECTIVELY.

6. AS A RECOGNIZED PEACE OFFICER, THE CAMPUS SECURITY OFFICER IS OBLIGATED BY LAW TO RESPOND TO A "MUTUAL AID REQUEST" OF ANY LAW ENFORCEMENT OFFICER. THIS BECOMES VERY DIFFICULT TO DO DURING THE HOURS OF DAYLIGHT.

7. U OF M SECURITY OFFICERS HAVE BEEN DIRECTLY INVOLVED IN THE IDENTIFICATION AND APPREHENSION OF KNOWN FELONS. SOME HAD BEEN LISTED AS ARMED AND WERE TO BE CONSIDERED DANGEROUS.

8. PROBLEM SUMMARY: THE UNIVERSITY PUTS AN EMPLOYEE IN A DISTINCTIVE UNIFORM, PROVIDES HIM WITH A BADGE OF ENFORCEMENT AUTHORITY, PLACES HIM IN A TOTALLY EQUIPPED AND HIGHLY VISIBLE PATROL VEHICLE, AND THEN DIRECTS HIM TO PRESERVE THE PEACE THROUGH HIS POWERS OF ARREST. THERE IS ONLY ONE RESTRICTION THE FIREARM IS ALLOWED ONLY TWO THIRDS OF THE TIME. IS THE PUBLIC OR THE CRIMINAL ELEMENT AWARE THAT THE SYMBOL OF PUBLIC AND PERSONAL PROTECTION IS MISSING ONE THIRD OF THE TIME?

**** NOTE: SEE ATTACHED UNIVERSITY OF MONTANA DEPARTMENT OF SAFET
QUALIFICATIONS: ANNUAL ACTIVITY REPORT

IN TODAY'S WORLD OF VICARIOUS AND CIVIL LIABILITY EACH LAW ENFORCEMENT AGENCY IS TASKED TO PROVIDE FULLY TRAINED AND QUALIFIED PEACE OFFICERS. THIS INCLUDES THE SPECIAL AREA OF FIREARMS CERTIFICATION. EACH CAMPUS SECURITY OFFICER IS REQUIRED TO QUALIFY ON AN ANNUAL BASIS. THIS TRAINING IS CONDUCTED AT THE LOCAL POLICE RANGES OR AT THE MONTANA LAW ENFORCEMENT ACADEMY. THE STANDARD TACTICAL PROFICIENCY COURSE OF FIRING IS BASICALLY THE SAME FOR ALL MONTANA LAW ENFORCEMENT AGENCIES.

TO DATE, THE UNIVERSITY OF MONTANA HAS NOT BEEN INVOLVED IN A SINGLE INCIDENT WHERE A FIREARM HAS BEEN ACCIDENTIALLY DISCHARGED. THIS IS AN EXCEPTIONAL RECORD WHEN ONE CONSIDERS THAT OUR CAMPUS POPULATION IS MUCH LARGER THAN MOST MONTANA TOWNS, AND WE ARE PART OF A MAJOR MONTANA COMMUNITY.

UNIVERSITY OF MONTANA

SAFETY AND SECURITY

ANNUAL ACTIVITY REPORT

1988	Complaint	1989
47	ACCIDENTS	62
1	ARRESTS	8
10	ASSAULTS	13
953	BUILDING CHECKS	937
1,949	COMPLAINTS	2,556
119	DISTURBANCES	109
33	DOGS	31
120	FOUND	126
2,555	KEYS ISSUED	2,915
1,470	KEYS RETURNED	1,996
107	LOST	102
79	MEDICAL ASSISTANCE	91
427	MISCELLANEOUS	48
249	MONEY ESCORTS	309
10	OBSCENE PHONE CALLS	15
34,847	POLICE VEHICLE MILEAGE	39,333
2,703	PROPERTY CHECKS	2,413
1,382	SECURITY ASSISTANCE	1,240
7	SEXUAL INCIDENTS	7
203	THEFTS	246
24,951	TICKETS ISSUED	21,946
14,991	TICKETS PAID	68,562
	DECALS ISSUED	6,965
185	TOWED VEHICLES	234
441	UNIVERSITY ALARMS	458
25	UNIVERSITY CITATIONS	97
90	VANDALISM	124
2	VEHICLES IMMOBILIZED	2
* 9,141	TOTAL INCIDENTS	*9,228
6,474	TOTAL DESK REPORTS	6,868

*Does not include keys issued and returned, Police Vehicle Mileage, Tickets Issued and Paid and Decals Issued.

** NOTE: THE 1990 FIGURES ARE BEING COMPILED AND WILL BE INCLUDED UPON RECEIPT

PROPOSAL

A REQUEST TO THE 1991 LEGISLATURE TO AMMEND MCA (1989)BY DELETING SUB-PARAGRAPHS (a) PROHIBITING UNIVERSITY SECURITY OFFICERS FROM CARRYING FIREARMS BETWEEN 8:00 AM and 5:00 PM. (b) ALLOWING SECURITY OFFICERS TO CARRY A FIREARM BETWEEN 8:00 AM AND 5:00 PM ONLY WHEN GUARDING OR TRANSPORTING MONEY. THEREFORE LEAVING THE WEAPONS POLICY TO BE SET BY THE BOARD OF REGENTS. IN MOST CASES THIS WOULD ELIMINATE THE SANCTION AGAINST UNIVERSITY OFFICERS CARRYING A WEAPON BETWEEN THOSE SPECIFIED HOURS PROVIDING THE OFFICER WITH THE ABILITY TO REACT PROMPTLY IN MATTERS OF PUBLIC SAFETY AND THE DEFENSE OF LIFE.

: EXERT FROM MONTANA PEACE OFFICERS HANDBOOK

WHO ARE PEACE OFFICERS?
TWO MONTANA CODE SECTIONS ANSWER THIS QUESTION. 46-1-201 (8) AND 45-2-101 (48). PEACE OFFICER: ANY PERSON BY THE VIRTUE OF HIS OFFICE OR PUBLIC EMPLOYMENT IS VESTED BY LAW WITH A "DUTY" TO MAINTAIN PUBLIC ORDER AND TO MAKE ARRESTS FOR OFFENSES WHILE ACTING WITHIN THE SCOPE OF HIS AUTHORITY.

COMMENT: VERY FEW MONTANA STATUTES STATE THAT A CERTAIN PERSON IS A PEACE OFFICER; THEREFORE,IT IS NECESSARY TO EXAMINE THE CONTENTS OF THE PARTICULAR STATUTE UNDER WHICH A PERSON HOLDS OFFICE TO DETERMINE WHO IS A PEACE OFFICER.

YOU ARE A PEACE OFFICER IF A STATUTE OR RULE OR REGULATION BY DEPARTMENT OR AGENCY AUTHORIZED BY LAW TO MAKE SUCH RULES OR REGULATIONS IMPOSES UPON YOU THE " DUTY TO MAINTAIN PUBLIC ORDER OR TO MAKE ARRESTS FOR OFFENCES".

SOME STATUTES SETTING FORTH SUCH DUTIES ARE:
SHERIFF AND DEPUTIES (7-32-2121 AND 7-32-101)
CITY POLICE (7-32-4105 AND CITY ORDINANCE)
HIGHWAY PATROL (44-1-1001 AND 61-1-102)
LIVESTOCK INSPECTORS (81-1-201,202 AND 81-3-203,204)
FISH AND GAME WARDENS (87-1-404 AND 87-1-502)
UNIVERSITY SECURITY OFFICERS (20-25-321)

MCA ANNOTATED (1989) 20-25-321. SECURITY DEPARTMENT MEMBERS-APPOINTMENT-POWERS.
(1) THE REGENTS OF THE MONTANA UNIVERSITY SYSTEM MAY APPOINT ONE OR MORE PERSONS TO BE MEMBERS OF SECURITY DEPARTMENTS AT EACH UNIT OF THE UNIVERSITY SYSTEM, AS SUCH SECURITY DEPARTMENTS ARE CONSTITUTED JULY 1,1971, OR MAY THERE AFTER BE CONSTITUTED. PERSONS EMPLOYED AND COMPENSATED AS MEMBERS OF THE SECURITY DEPARTMENT WHEN SO APPOINTED ARE PEACE OFFICERS; HOWEVER SUCH PEACE OFFICERS SHALL NOT EXERCISE THEIR AUTHORITY EXCEPT: UPON THE CAMPUSES OF THE

MONTANA UNIVERSITY SYSTEM AND FOR CAMPUS RELATED ACTIVITIES, AN AREA WITHIN ONE MILE OF THE EXTERIOR BOUNDARIES OF; AND IN AND ABOUT THE GROUNDS OR PROPERTIES, OWNED, OPERATED, CONTROLLED, OR ADMINISTRATED BY THE REGENTS OR ANY UNIT OF THE UNIVERSITY SYSTEM. SUCH OFFICERS SHALL HAVE NO POWER TO SERVE AND EXECUTE CIVIL PROCESS.

COMPILERS COMMENTS: MCA 45-8-317 PROVIDES AN EXCEPTION TO PEACE OFFICERS FROM MCA 45-8-316 PROHIBITING THE CARRYING OF A CONCEALED WEAPON. THIS WOULD APPEAR TO BE IN DIRECT CONFLICT WITH MCA 20-25-324 WHICH STATES SECURITY OFFICERS ARE AUTHORIZED TO CARRY A WEAPON BETWEEN THE HOURS OF 5:00 PM AND 8:00 AM, OR WHEN GUARDING OR TRANSPORTING MONEY. AS A PEACE OFFICER OF THE STATE OF MONTANA THEY HAVE TAKEN AN OATH TO PROTECT THE LIVES AND PROPERTIES OF OTHERS. WHEN WEAPONS ARE INVOLVED BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM THE SECURITY OFFICER WOULD BE DERELICT IF HE DID NOT ACT ALTHOUGH HE HAD NO WEAPON.

MCA(1989): 50-71-201. EMPLOYER TO FURNISH AND REQUIRE SAFETY DEVICES AND PRACTICES. EVERY EMPLOYER SHALL FURNISH A PLACE OF EMPLOYMENT WHICH IS SAFE FOR EMPLOYEES THEREIN AND SHALL FURNISH AND USE AND REQUIRE THE USE OF SUCH SAFETY DEVICES AND SAFEGUARDS AND SHALL ADOPT AND USE SUCH PRACTICES, MEANS, METHODS, OPERATIONS AND PROCESSES AS ARE REASONABLY ADEQUATE TO RENDER THE PLACE OF EMPLOYMENT SAFE AND SHALL DO EVERY OTHER THING REASONABLY NECESSARY TO PROTECT THE LIVES AND SAFETY OF EMPLOYEES.

SUMMATION: WITH THE MATERIAL PROVIDED IN THIS PROPOSAL I HOPE THAT THE 1991 LEGISLATURE WILL COME TO HAVE A BETTER UNDERSTANDING OF NOT ONLY THE SAFETY HAZARD WHICH IS EMINENT WHEN A PEACE OFFICER IS NOT ALLOWED TO CARRY A WEAPON AT ALL TIMES WHEN ON DUTY, BUT ALSO THE CIVIL LIABILITIES THAT ARE INHERENTLY OBVIOUS IN THE REQUIREMENTS OF MCA 20-25-324. I WOULD LIKE TO FURTHER POINT OUT THE CONFLICT IN THE LAW 45-8-317 WHICH STATES IN PART; THAT PEACE OFFICERS ARE AUTHORIZED TO CARRY CONCEALED WEAPONS WITH NO LIMITATIONS AS TO WHEN AUTHORIZED. I WOULD BRIEFLY LIKE TO MAKE REFERENCE TO THE PRECEDING PARAGRAPH 50-71-201.THERE CAN BE NO DOUBT IN THE MINDS OF REASONABLE PERSONS THAT THE LIVES OF THE SECURITY OFFICERS AS WELL AS THE SAFETY OF THE PUBLIC ARE IN REASONABLE APPREHENSION WHENEVER A SWORN PEACE OFFICER IS ON DUTY WITHOUT A VIABLE MEANS TO DEFEND HIMSELF OR THE LIVES OF OTHERS.

UNIVERSITY SECURITY OFFICER

IN ADDITION TO ADHERING TO THE GENERAL RESPONSIBILITIES OF A MEMBER, A UNIVERSITY SECURITY OFFICER IS INDIVIDUALLY RESPONSIBLE FOR:

1. PREVENTING CRIME.
2. SUPPRESSING CRIME.
3. ENFORCING LAWS.
4. ARRESTING OFFENDERS.
5. ENFORCING RULES AND REGULATIONS.
6. INITIATING POLICE ACTION WHEN NECESSARY.
7. SECURING AND DISPOSING OF EVIDENCE.
8. WORKING SUCH HOURS OR PERFORMING SUCH TASKS AS CONSIDERED NECESSARY BY THE MANAGER.
9. MAINTAINING OFFICIAL OFFICER FIELD NOTES AS REQUIRED BY THE ASSIGNMENT.
10. FILING OF CRIMINAL COMPLAINTS AND FORMAL APPEARANCE BEFORE THE VARIOUS COURTS OF LEGAL JURISDICTION.
11. FOLLOWING UP ON REPORTED CRIMES.
12. OPENING AND CLOSING OF FACILITIES WHEN NECESSARY.
13. COMPLETION OF COMPLAINT REPORTS (DR'S), TO INCLUDE ALL STATEMENTS FROM SUSPECTS, VICTIMS, ETC.
14. PROVIDING EMERGENCY MEDICAL AND FIRE SAFETY SUPPORT TO THE CAMPUS COMMUNITY.

POLICE PATROL OFFICER II

SUMMARY OF WORK:

Under general supervision performs technical law enforcement and security work in enforcing a variety of federal, State and local laws in order to provide for the safety and well-being of life and property. Serves as lead worker over personnel as assigned.

ILLUSTRATIVE EXAMPLES OF WORK:

Investigates disturbances, vandalism, burglaries, illegal entries, traffic accidents, drug abuse, assaults and homicides; collects evidence and prepares reports; issues citations, verbal warnings and makes arrests; appears as witness at hearings and court proceedings.

Patrols assigned areas on foot or in vehicle and checks for fires, unlocked doors and hazards; monitors and directs traffic and performs crowd control activities; administers emergency first aide; establishes and maintains positive relationships with the public to explain functions and services and to create a climate of order.

Maintains vehicle and other equipment; participates in in-service training programs; briefs following shift personnel of happenings; assists other law enforcement agencies; may assist in training of other personnel; performs related work as required.

REQUIREMENTS:

KNOWLEDGES: Working knowledge of criminal codes and statutes and the policy rules and regulations of agency; traffic rules and regulations; the use of firearms and other law enforcement equipment; layout of agency buildings and grounds; crime investigation and crowd control practices and techniques.

SKILLS: Skill in the use of firearms and other equipment.

ABILITIES: Ability to establish and maintain effective working relationships with employees, other agencies and the public; to communicate effectively verbally and in writing; to follow oral and written instructions; to exercise sound judgement, exhibit emotional stability and remain calm in stress situations.

The above knowledges, skills and abilities are typically acquired through a combination of education and experience equivalent to graduation from high school, completion of the Law Enforcement Academy basic course and one year of experience as a Police Patrol Officer I. The hiring authority may require college coursework in criminology, sociology or a related field.

The examples of work identify the major duties of this class and do not identify all duties performed by positions in this class.

THE FOLLOWING IS A BREAK-DOWN OF THE POLICE PATROL OFFICERS PRESENTLY EMPLOYED WITH THE UNIVERSITY OF MONTANA DEPARTMENT OF CAMPUS SAFETY.

NAME	PRIOR L.E.	PRESENT L.E.	TOTAL YRS. L.E.
R. ROBINSON	20 YRS. 9 MO.	10 YRS. 7 MO.	31 YRS. 4 MO.
R. THURMAN	20 YRS.	10 YRS.	30 YRS.
R. BEATH	5 YRS. 10 MO.	5 YRS.	10 YRS. 10 MO.
S. TOMPKINS	3 YRS.	14 YRS. 5 MO.	17 YRS. 5 MO.
L. HASBROUCK	1 YR. 4 MO.	13 YRS. 6 MO.	14 YRS. 10 MO.
K. WILLETT	20 YRS.	13 YRS. 5 MO.	33 YRS. 5 MO.
D. CALIMAN	9 YRS. 11 MO.	6 YRS. 3 MO.	16 YRS. 2 MO.
G. TAYLOR	14 YRS.	3 YRS.	17 YRS.
C. GATEWOOD	25 YRS.	2 YRS.	27 YRS.
C. HODGIN	8 YRS.	1 YR.	9 YRS.
T. SCHLAILE	2 YRS. 4 MO.	8 MO.	3 YRS.
P. SCHUELKE	6 YRS. 4 MO.	8 MO.	7 YRS.

TOTAL YEARS EXPERIENCE: 217 YRS.

UNIVERSITY OF MONTANA SAFETY AND SECURITY DIVISION
POLICIES AND PROCEDURES FOR FIREARMS ON CAMPUS

Weapons and Equipment on Campus

- No firearms, explosives, explosive devices, or any unlawful weapons of any kind are permitted on any University property or in any University facility or at any University function unless:

  1. In the possession of a peace officer.

  2. Locked within a private vehicle.

  3. Registered and stored in a dormitory gun room.

  4. Prior approval has been obtained in writing from the Safety and Security Manager.

  5. Firearms, registered with the Family Housing Office, may be stored in individual family living quarters.

Requests for Use of Firearms on Campus

- All requests which involve firearms on campus will be submitted to the Safety and Security Manager for review and approval. Requests which may be approved include, but are not limited to:

  1. Use in Hunter Safety Classes.

  2. Classroom or University Center special classes on firearms.

  3. A public demonstration (reenactment) which would involve the use of BLANK ammunition ONLY.

  4. A theatrical production which is under the direction of the Department of Drama/Dance, School of Fine Arts.

  The only individuals who will be authorized to carry loaded firearms on campus are the following:

  1. University Security Officer in accordance with Montana University System Procedure Manual Section 1006.

  2. Civil Law Enforcement Officers.

  3. Federal Authorities who are empowered by law to wear firearms.

This policy will become effective July 1, 1984.

PETITION

We, the undersigned, being duly sworn peace officers of the State of Montana and sworn members of the University Systems Safety and Security Departments, do hereby petition the Board of Regents, State of Montana, to ammend the existing Law, Montana Code Annotated (MCA) 20-25-324 by removing the statuatory limitations on times when security officers may carry firearms.

We respectfully request the law to read:

Section 1. "Firearms. Security Officers who have successfully completed the basic course in law enforcement conducted by the Montana law enforcement academy may carry firearms in accordance with policies established by the board of regents".

~~(2) between 5 p.m. and 8 a.m.; and~~ (Delete)

~~(3) whenever guarding money or other valuables~~ (Delete)

PRINT NAME	SIGNATURE	AGENCY
GARY L. TAYLOR	Gary L. Taylor	U of M. Police
CHARLES L. GATEWOOD	Charles L. Gatewood	U of M Police
R. C. THURMAN	R. C. Thurman	U of M Police
K.A. Willett	K.A. Willett	U of M Police
Raymond C. Johnson	Raymond C. Johnson	U of M police
Lewis E. Hasbrouck	Lewis E. Hasbrouck	U.M Police
Roger B. Baeth	Roger B. Baeth	U.M. Police
TINA SCHLAILE	Tina Schlaile	U of M Police
STEVE TOMPKINS	Steve Tompkins	U of M Police
DENNIS CALIMAN	Dennis Caliman	U of M Police
Randy Schuelke	Randy Schuelke	U of M Police

Montana State University
Bozeman, Montana 59717

Campus Safety and Security

Telephone (406) 994-2121

Representative Don Larson
Box 78
Capital Station
Helena, MT 59620

January 10, 1991

Representative Larson,

It is our understanding that you will be introducing legislation to remove the language that restricts University peace officers from carrying firearms during certain hours of the day. We, the undersigned peace officers of **Montana State University**, are writing this letter to show our support for this change.

Respectfully submitted,

Chief Don Wortman
E. Edwards Collins
Sgt. Merwin G. Sanderson
Christian Schaccaluit Patrolman II.
Michael B. Murphy, Police Patrol officer - Senior officer
Boyd J. Slipe, Police Patrolman II
Sgt. [illegible]
Frank W. Lessley, Police Officer
Kathy Middleton Police Patrolman
Donna LaRue, POLICE PATROLMAN II
Daniel [illegible], Police Patrolman II

[illegible]

University of
Montana

Residence Halls Office
101 Turner Hall
University of Montana
Missoula, Montana 59812-1810
(406) 243-2611/2612

Kermit Swanke, Member
Board of Regents
619 Beverly
Missoula, Montana

Dear Mr. Swanke,

I am writing this letter to ask your support in amending Montana Code Annotated 20-25-324 which specifies the use of firearms by our campus security officers. I feel it is necessary for the security officers to be armed when on duty. These officers are trained through the Montana Law Enforcement Academy and are competent to carry firearms. If we are going to require these officers to perform the duties of a professional police officer, we must give them the tools.

Unfortunately crime is prevelant in today's society. Our campuses are not immune and nationwide serious campus crime has increase dramatically in the past five years. Comparatively the UM campus ranks very low in the incidents of serious crime and is relatively safe by national standards but situations do arise which are serious and mandate the action of professional police officers with full arrest authority. The literature in professional journals confirms the presence of a professional campus police force with full arrest authority is a significant deterrent to campus crime.

The authority to regulate the campus security officers and the policies pursuant to their duties should remain with the Board of Regents and the campus presidents. Amending Montana Codes Annotated 20-25-324 will not alter this authority. I urge your consideration in this matter and if you have any questions or if I can be of assistance, please contact me.

Sincerely,

Ron Brunell
Director of Housing

cc: Board of Regent members

An Equal Opportunity University

December 17, 1990

Dear Board of Regent Members:

I am writing to you because I am very concerned and somewhat confused by the policy of the University Police officers not being allowed to carry a firearm during the hours of 8:00 a.m. and 5:00 p.m.

I work in the Controller's Office as a cashier, and my job involves receiving money. Sometimes very large amounts. If someone robbed me and I tripped the silent alarm, it would take an additional twenty minutes for one of the officers to respond due to the added time needed to "suit up ", or put their gun on!!!! I think that is ridiculous and terrifying!!

Years ago the idea of a young person keeping guns in his dorm room and eventually using those guns on a fellow student was so far fetched that no one even thought about it. But times are changing and I personally feel that in order to keep our campus secure, the officers in charge of security need to be allowed to carry firearms during regular business hours.

Sincerely,

Liz Stahl

Liz Stahl

DECEMBER 21, 1990

The Chief of Police Association is writing this letter of reference for the Peace Officers, University Systems Security Departments in regards to the ongoing debate of whether to arm University Police during daylight hours or not.

It is surprising to us that this law requires these sworn Peace Officers to unarm themselves during the hours of 8:00 a.m. to 5:00 p.m. It is our feeling that this law must be changed for the safety of these officers as well as the citizens they are sworn to protect and serve.

They are trained professionals. They are required to attend the Montana Law Enforcement Academy just as all other peace officers in the State of Montana. They are required by law to function as peace officers, and they do, but it seems very hazardous both for the officer and the public. These highly motivated, professional brothers of law need every implement at their disposal to conscientiously perform their assigned duties.

Any questions or testimony required of our Association can be directed to CHIEF BILL WARE (M.A.C.O.P. LEGISLATIVE CHAIRMAN, c/o HELENA POLICE DEPT., ~~221~~ 221 BRECKENRIDGE, HELENA, MT. 59601.

Sincerely,

JAMES P. CONNORS, PRESIDENT
MONTANA ASSO. OF CHIEFS OF POLICE
BOX 518
ANACONDA, MT. 59711

Legislators
State of Montana
Helena, MT

Brian K. Clifton
Director, Escort Student Patrol
University of Montana
UC Room 105
Missoula, MT 59812

Dear Legislators,

This letter is in regard to the current law which denies the right to bear arms by the Montana University police officers between 8:00am to 5:00pm. I believe that this is just asking for problems. Crime does not stop from dawn until dusk. The recent problems on campuses state wide concurs with this. There is nothing to prevent an incident similar to the one that occurred at MSU or the one that occurred at Carol College from occurring here. Our officers are trained police officers and I have just as much faith, if not more, in them as I do with the Missoula County Police Department officers. Would we disarm the MCPD from 8am to 5pm? Of course we wouldn't. Our campus police officers are in charge of the lives of 10,000 people. The university is a city within itself that needs these men who can prevent a tragedy from occuring. As director of the Escort Student Patrol, my job is to insure the safety of students who use this service to get from point A to point B on campus. In case of an emergency, I want an officer that is fully equipped to stop any threat that may come. I feel that without a firearm by his side he is unprepared for all possible threats. He may be able to stop 99 out of 100 situations without incident, but I do not want to be the 1 out of 100 situations that he needed his firearm to safely handle the problem.

To conclude, I would not hire a carpenter and expect him to build a house without his hammer, nor would I ask a police officer to insure the safety of me and 10,000 other students without fully equipping him to do the job right.

Brian K. Clifton

The Montana Highway Patrolman's Association is writing this letter on behalf of the Peace Officers of the University Systems Security Departments, in regards to the ongoing debate of whether to arm University Police during daylight hours or not.

They are required to attend the Montana Law Enforcement Academy and are trained professionals just an all other peace officers in the State of Montana. They are required by law to function as peace officers, and they do, but it seems very hazardous both for the officers and the public to have them unarmed during daylight hours. Crime happens at any time of the day, anywhere. Wearing a police uniform and driving a highly visible marked police unit places these officers in potentially very dangerous situations. These officers need every implement at their disposal to conscientiously perform their sworn duties.

It is surprising to us that a law exists that requires these sworn Peace Officers to unarm themselves during the hours of 8:00 a.m. to 5:00 p.m. It is our feeling that this law must be changed for the safety of these officers as well as the citizens they are sworn to protect and serve.

Any questions or testimony required of the Montana Highway Patrolman's Association should be directed to 302 Cumberland Bolo, Montana 59847 PH-273-6879.

Sincerely,

Carl Wylie, President

ASSOCIATION, INC.

President:
Ernest T. Cox
222 South Black
Bozeman, MT 59715

Vice President:
Ronald J. Alles
2010 10th Ave. No.
Billings, MT 59101

Secretary/Treasurer:
Bert Kohlmeier
3715 2nd Ave. South
Great Falls, MT 59405

Legislative Committee:
William G. Steele
#1 Skyline Drive
Great Falls, MT 59404

Legislative Committee:
Frank Cole
1710 Defoe
Missoula, MT 59801

Legislative Committee:
Thomas W. Huff
3846 Killdeer Lane
Billings, MT 59102

1-2-91

Mr. Gatewood;

The members of the M.R.P.O.A, some 380 strong, are in total support of your effort to change the State law regarding a Campus Police Officer can only be armed during the hours of darkness.

We feel that as sworen Peace Officers, and having completed the Basic Course at the Montana Law enforcement Academy; qualifies Campus Police officers to be armed around the clock.

Campus Police often assist other lawenforcement geneys and perform the same duty's as any other sworn officers. For this reason Campus Police should be armed 24 hrs. a day

If our Association can be of any other assistance feel free to contact us.

Sincerly.

Ernest T. Cox

President MRPOA

January 18, 1991

Dear Legislator:

The issue of allowing university police to carry firearms during daylight hours is a controversial topic at the University of Montana. During last fall quarter, the student body voiced various opinions regarding the subject. At the present no general consensus has been reached.

The Associated Students of the University of Montana (ASUM) is the student government at UM. The ASUM Senate, composed of 20 senators and three executive officers, acts as a voice and monitor to a student population of 10,000. Last quarter the Senate passed on a 11-6 vote a resolution stating "formal opposition to the possession of firearms by campus officers between the hours of 8 a.m. and 5 p.m."

This resolution is the majority opinion of the Senate; but, in my opinion as a Senator, the resolution is not characteristic of the entire student body, as many students disagree with the resolution. The University Police are a highly qualified professional force. There is no reason that they should not be able to carry firearms 24 hours a day.

The University Police receive training equal to other Montana law enforcement officers; therefore, they should be able to carry firearms at all times. UM police encounter dangerous situations on a daily basis. The campus remains prone to crime no differently than the rest of the community. Other states require their officers to carry firearms at all times.

As a student, I would feel much safer knowing that University Police are armed. In all aspects they appear to be police officers (distinctive uniforms and a specially marked vehicle). When the time comes that I may need their assistance, I want the assurance of their firearms to control all possible situations. Crime occurs both day and night.

I personally support all efforts allowing University Police to carry firearms 24 hours a day; however, as a Senator I will respect the decision of the ASUM Senate.

Sincerely,

Eric Hummel

Eric Hummel

January 17, 1991

To Whom It May Concern:

As the initial supervisor of the Escort Service Patrol and the major implementor of this program, I have worked very closely with the University of Montana Police Department. The Escort Service Patrol relies on the UM Police for backup support and works together to provide a safe environment for the campus community.

It is a conflict of interest to allow fully trained law enforcement professionals to carry firearms from 5:00 p.m. through 8:00 a.m., then to make them disarm at any other time. It seems as if we are saying, let's make it easier to commit a viscous crime on campus in the day.

With the situation of our times and the vigorous involvement that University students play in political activism, the University of Montana could be a highly visible target for terrorist activity. If the mission of the UM police is to protect and serve the campus community, please allow them to do their duty with every means of protection.

Sincerely,

Darcy Lynn Schacher

Darcy Lynn Schacher
Graduate Student
Master's of
Public Administration

State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

STAN STEPHENS
GOVERNOR

December 11, 1990

Charles L. Gatewood
302 South Easy Street
Missoula, MT 59801

Dear Chuck:

The Governor's office has received your November 29, 1990 correspondence and enclosures. Thank you for communicating with us about this issue.

Since, I have been a sworn law enforcement officer since 1956 I can truly understand your problem and empathize with your situation.

During our November 14, 1990 telephone conversation concerning this matter, I advised you that probably the best way to proceed in amending the provisions of Section 20-25-324 M.C.A. would be to approach your local state senator and state representative and have them introduce the necessary bill in the next session of the Legislature.

In a further effort to be of assistance in this matter, I have forwarded a copy of your correspondence to:

Regent William L. Mathers, Chairman
Montana Board of Regents
33 South Last Chance Gulch
Helena, MT 59601
(406-444-6570)

. . . for his information, necessary attention and appropriate action.

I trust that a satisfactory resolution of this situation can soon be achieved.

Please be assured of our continued willingness to cooperate in any way possible.

MISSOULA COUNTY

DANIEL L. MAGONE
SHERIFF

OFFICE OF THE SHERIFF
COUNTY COURTHOUSE
MISSOULA, MONTANA 59802
(406) 721-5700

DOUG CHASE
UNDERSHERIFF

November 14, 1990

Kermit Schwanke
Member, Board of Regents
619 Beverly
Missoula, Montana 59801

Dear Kermit,

I'm writing you regarding the arming of the University of Montana Police Department. Over the years this has been debated on at lease a bi-annual basis. There was some hesitation by me to move into areas we basically do not as a routine patrol. I decided to proceed, however, [illegible] decided in the affirmative for the officers.

Literally the "U" police serve, protect and patrol a city within a city. They are charged with protecting students, faculty, administration and support personnel. Also, thousands of visitors annually. Having two young adults from our family on campus even further emphasizes my support in this matter.

I suspect I understand some of the feelings of those student body members who object, however the possibility of violence occurring on campus is a reality. Unfortunately it commonly occurs in such a way that it is totally out of the norm. Examples would be the tragedies at Montana State University and Carroll College last year. Like communities nationwide, it for the most part happens after 4:00 p.m. and before 8:00 a.m., but the Carroll incident gives you a prime example of "It can happen at any time".

Campus police literally receive almost the same training as any of our basic recruits. They then follow up with training apropos to campus life. The quality of the officers serving the U of M campus certainly needs to be recognized. They are as dedicated, loyal, caring and professional as a city or county law enforcement officer. They want to be there and involved in campus safety and protection matters.

STATE OF MONTANA

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ACADEMY DIVISION

Marc Racicot
Attorney General

620 South 16th Avenue
Bozeman, MT 59715-4198

COPY

December 13, 1990

Montana Board of Regents
% William L. Mathers, Chairman
1105 South Merriam
Miles City, MT 59301

Dear Board of Regents,

I am writing this letter at the request of the Peace Officers Association, University of Montana, Missoula, Montana.

They have requested our support to change existing state law that prohibits University Police from carrying a firearm during the hours of 8:00 a.m. to 5:00 p.m.

The intent of this letter is to advise you and assure you that the University Police Officers receive the same training as do Deputy Sheriffs and City Police, they do the same job. They are trained to handle all kinds of situations, routine or critical. They are also trained in the "Use of Force" and are qualified to carry a sidearm.

I am sure they are called upon to respond to very dangerous calls during the daylight hours and I know the party calling for help is expecting a well trained - well equipped professional. You have the job of determining the level of response that your officers will provide to the residents on campus. As you make this decision, keep in mind that the training required to carry a firearm is already being provided.

Your final decision about firearms restriction should take all of these factors into consideration.

Sincerely,

Jack Wiseman

Jack Wiseman
Basic Bureau Chief
Montana Law Enforcement Academy

TELEPHONE: (406) 994-3918

MISSOULA
"TO PROTECT AND TO SERVE"
CITY POLICE DEPARTMENT
435 RYMAN ST. • MISSOULA, MT 59802-4297 • (406) 523-4777 • FAX (406) 728-6690

November 15, 1990

Kermit Schwanke, Member
Board of Regents
619 Beverly
Missoula, Montana 59801

Dear Kermit:

I am writing this letter in reference to the ongoing debate regarding the arming of the University of Montana Security Police.

I must admit that my first reaction to this decision was genuine surprise and concern. I find it very alarming that we have sworn law enforcement officers responding to calls for assistance and performing routine patrol duties unarmed.

I fully realize that you have been inundated with opinions regarding the pro's and con's of this decision and I am also aware that I probably have no "new" views on this issue. However, I do have one or two points that I feel I must address.

First and foremost with any law enforcement agency is the training of their personnel. These officers are trained professionals who know the consequences of drawing their weapon or using deadly force. By the same token, a major part of the training for law enforcement officers is honing the ability to defuse potentially violent situations without using their weapon.

A weapon does not need to be viewed as an aggressive tool, often times the authoritarian presence of a fully uniformed law enforcement officer can have a calming effect. Unfortunately, for those situations where an officer is placed in the precarious position of needing to defend himself or a private citizen, they need to be afforded all the necessary tools to perform their duty, to include a gun.

The concerns of the Board and the student body members who object to the around the clock arming of the Security Police should by no means be disregarded. BUT, the expectations and rights of the citizens requesting their assistance must also be addressed, not to mention the worries of the family members of these officers.

Security Officers from the U of M respond to a variety of calls ranging from persons locked out of their homes to disturbances in progress. The citizens calling for assistance have the right to expect qualified, prepared and capable law enforcement response.

In closing, I feel that it is wrong to ask a law enforcement officer to place himself in any type of situation where he cannot adequately protect or defend himself. It is unfortunate, but a fact nonetheless, if you wear a uniform you are a target. By arming your officers only at designated times, you are only further inhibiting them in the performance of already difficult job.

Thank you in advance for your attention to my concerns and opinions and I sincerely hope you will reconsider this decision.

Respectfully submitted,

J. L. Oberhofer
Chief of Police

JLO/ll

November 29, 1990

Chuck,

I have visited with other members of the Missoula delegation about your proposed changes for security officers' handguns, and I met with a cool response. They were of the opinion the bill would not have much chance of passing and did not want to touch it. A couple mentioned that UM Administration does not want you to act policemen, hence the present policy.

It still seems peculiar to me, however, that you can carry firearms after dark but during the day, no.

If you can line up witnesses from the Missoula County Sheriff's Department and the UM Administration, and a couple similar officials from other campuses--MSU or EMC, I will be agreeable to sponsoring the bill.

You must have the witnesses lined up by the beginning of the session (January 7, 1991, if I am to get the bill in, however. Get me their names and telephone numbers so that I can visit with them prior to the session.

If I can be of any further assistance, give me a call.

Sincerely,

Don Larson

Don Larson

Home 677-2570

Work 677-2090

Call at 1100

SENATOR FARRELL MOVED that the amendment to SB 180 as proposed by Montana School Board Association DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR FARRELL MOVED that SB 180 as amended DO PASS. The vote was unanimous. MOTION CARRIED.

VOTE ON SB 141:

SENATOR NATHE MOVED that the amendments on SB 141 DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR YELLOWTAIL MOVED that SB 141 DO PASS as amended. The vote was unanimous. MOTION CARRIED.

VOTE ON SB 117:

SENATOR NATHE MOVED that the amendments on SB 117 DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR PINSONEAULT MOVED that SB 117 DO PASS as amended. The vote was called. Five voted aye; four voted no. Roll was called. Senators Fritz, Brown, Pinsoneault, Hammond and Nathe voted aye; Senators Blaylock, Farrell, Yellowtail and Waterman voted no. MOTION CARRIED.

VOTE ON SB 127:

SENATOR NATHE MOVED that SB 127 DO PASS. Seven voted aye; Senator Blaylock voted no. MOTION CARRIED.

VOTE ON SB 143:

An amendment is included which states that it is the intent of the Legislature that public education for the first two years of implementation limit the number of districts that may be approved for this variance.

SENATOR YELLOWTAIL MOVED that the amendments on SB 143 DO PASS. The vote was unanimous. MOTION CARRIED.

SENATE STANDING COMMITTEE REPORT

January 31, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Bill No. 117 (first reading copy -- white), respectfully report that Senate Bill No. 117 be amended and as so amended do pass:

1. Page 1, line 16.
Following: "~~valuables~~"
Insert: "after consulting with the student body government at the unit of the university system affected by the regents' policy"

Signed: Chet Blaylock
Chet Blaylock, Chairman

1-31-91
Amd. Coord.

1-31 1:25
Sec. of Senate

220928SC.Sji

of obligations with this one time money.

REP. STANG asked **Mr. Groepper** if a district could use the money in one year to bond or pay a portion of the bonds to fund a capital improvement project that was put off for a number of years due to low tax base and protested taxes **Mr. Groepper** answered yes.

Closing by Sponsor:

SEN. BLAYLOCK thanked the committee and passed out an amendment to SB 17. **EXHIBIT 10**

HEARING ON SB 117

Presentation and Opening Statement by Sponsor:

SENATOR BOB PIPINICH, Senate District 33, Missoula, said SB 117 allows security guards of the Montana University System to carry firearms upon completion of the basic course at the Montana Law Enforcement Academy. They would be allowed to carry firearms in accordance with the policies established by the Board of Regents and upon consultation with the governing student bodies on each university campus.

Proponents' Testimony:

LeRoy Schramm, Legal Counsel, University System, testified in behalf of the Board of Regents, the Commissioner of Higher Education, and the six campuses of the University System. He said campuses tend to be thought of as idyllic places, but in the last few years some of the biggest news stories have been stories of incidents of violence on college campuses. College campuses are not immune to violence.

The campus security guards are in most cases former police officers, trained at the Law Enforcement Academy. They frequently face situations at married student housing and attest to the fact there is nothing more dangerous than a domestic dispute. The guards are capable of addressing a distraught armed spouse at night, but not during the day. To ask these guards to go into a situation with both arms tied behind their backs is unacceptable! The regents need flexibility to address this issue.

Tom Schneider, Montana Public Employees Association, (MPEA), said law currently allows security police to carry firearms at night so obviously this is not a question of being qualified. This legislation simply allows the decision to be one of local control and a campus to campus decision.

John Malee, Montana Federation of Teachers, (MFT), stated support for SB 117.

Fritz Behr, Senior Administrative Assistant - Governor's Office, 35 year law enforcement officer, teacher - Law Enforcement Academy, attorney, said the officers have been trained at the Montana Law Enforcement Academy, which is a ten week course covering 500 hours of training in criminal liability, civil liability, use of firearms and justifiable use of force. The guards carrying the firearms between 8 a.m. and 5 p.m. would only be permitted to do so if the Regents come up with specific guidelines and the student population agrees. The law now allows the use of firearms between 5 p.m. and 8 a.m. or whenever guarding money or other valuables. The lives of faculty, students and the general public on Montana campuses are at least as valuable as money.

Doug Chase, Missoula County Sheriff, presented written testimony. EXHIBIT 11

Bill Yeager, Association of Montana Highway Patrol, said security guards on the campuses are sworn officers who receive the same training as other law enforcement officers in Montana. They are responsible police officers who must be able to respond to any emergency. It is only logical that the Board of Regents authorize them to be fully equipped in order to protect the lives of others as well as their own.

Pat McCleary, Associated Students University of Montana, stated support on the basis of choice for each individual student population from campus to campus.

Ken Heikes, Eastern Montana College, stated support for SB 117.

Chuck Gatewood, Patrolman, University of Montana, asked for a fair decision and the opportunity to use acquired tools and knowledge to do the job.

Opponents' Testimony: None

Questions From Committee Members:

REP. MCCARTHY asked **LeRoy Schramm** which campuses would be affected by this legislation. **Mr. Schramm** said all six units of the University System, excluding the community colleges and vo-techs. Currently, the only three campuses that have personnel involved and meet the requirements are Eastern Montana College, Montana State University and the University of Montana.

REP. HANSON asked **LeRoy Schramm** to state specific need and rationale for this legislation. **Mr. Schramm** said every year officers face a number of domestic disputes, most frequently at the married student housing complexes. Officers have confronted students who brandish firearms and forcing them to walk into such situations unarmed is an invitation for trouble. Common sense dictates a police officer with a firearm is probably a deterrent to violence rather than an encouragement. **Ken Willett, Chief of**

Police, University of Montana, added there have been instances on campus in the evening where an officer is called to a dormitory and upon arrival the mere fact he was armed caused the individual to surrender his gun showing respect for the officer.

REP. SIMPKINS asked Doug Chase about officers hired from outside Montana who haven't been trained at the Montana Law Enforcement Academy. Mr. Chase answered all officers in Montana must attend the academy. An officer from out of state hired at the university must challenge the Montana test in order to become certified.

Closing by Sponsor:

SEN. PIPINICH submitted an informational packet EXHIBIT 12 and thanked the committee for the hearing.

HEARING ON SB 127

Presentation and Opening Statement by Sponsor:

SENATOR CECIL WEEDING, Senate District 14, Jordan, said SB 127 is at the request of the Montana Association of Counties and asks for one more option by which the county commissioners can establish by law a contract for a part-time county superintendent of schools.

Proponents' Testimony:

Linda Stoll-Anderson, Lewis & Clark County Commissioner, Chair, Montana Association of Counties Legislative Committee, said this bill came from a resolution passed at the annual convention in Kalispell in 1990, which passed unanimously with 53 counties in attendance. In a number of rural counties and specifically where school districts are being consolidated the need for full-time county superintendents is sometimes not necessary. This legislation provides the legal ability to hire a part-time county superintendent of schools.

REP. ALVIN ELLIS, JR., House District 84, representing the Carbon County Commissioners and County Superintendent of Schools, said SB 127 would legalize what is already being done.

Opponents' Testimony:

Kay McKenna, Montana Association of County School Superintendents, (MACSS), presented written testimony. EXHIBIT 13

Questions From Committee Members:

REP. SIMPKINS asked Kay McKenna if the constitution currently gives the authority to merge any two or more offices to county commissioners. Ms. McKenna answered yes, that had always been

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL DATE 3-14-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

CS05ED.MAN

MISSOULA COUNTY

MISSOULA COUNTY SHERIFF'S DEPARTMENT
200 W. BROADWAY
MISSOULA, MONTANA 59802

Phone (406) 721-5700
Fax (406) 721-8575

EXHIBIT #11
DATE 3-14-91
~~BB~~ SB 117

MEMBERS OF THE EDUCATION COMMITTEE,

I'M DOUG CHASE, MISSOULA COUNTY SHERIFF AND I AM HERE TO SUPPORT SENATE BILL 117.

MY REASONS FOR BELIEF THAT UNIVERSITY POLICE OFFICERS SHOULD BE ARMED WHILE ON DUTY, DURING DAY SHIFT HOURS, ARE AS FOLLOWS:

1. ALL BUT ONE OF THE U OF M OFFICERS HAVE PASSED THE BASIC POLICE OFFICER'S STANDARDS AND TRAINING COURSE AT BOZEMAN. THIS QUALIFIES THEM TO BE A LAW ENFORCEMENT OFFICER WITH ANY AGENCY THAT WOULD SELECT THEM. AS YOU ARE AWARE, ALL LAW ENFORCEMENT MUST COMPLETE THE BASIC COURSE WITHIN ONE YEAR.

2. THE OFFICERS ON CAMPUS IN OUR COMMUNITY, AS IT SHOULD BE, ARE READILY IDENTIFIED BY WEARING A DISTINCTIVE UNIFORM.

3. THE MAJORITY OF THE TIME THESE OFFICERS DRIVE AN EASILY IDENTIFIED LAW ENFORCEMENT VEHICLE. AGAIN AS IT SHOULD BE.

4. THEY ARE, AMONG ALL THEIR ADDITIONAL DUTIES, PRIMARILY LAW ENFORCEMENT OFFICERS FOR THE CAMPUS THEY SERVE. IN OUR CASE A SMALL COMMUNITY WITHIN OUR COMMUNITY. AT ANY TIME THOUSANDS OF STUDENTS, ADMINISTRATORS, FACULTY AND ANCILLARY SERVICE EMPLOYEES ARE ON CAMPUS. THERE ARE HUNDREDS IF NOT THOUSANDS OF VISITORS TO THE CAMPUS WEEKLY.

5. THE CALIBER OF PEOPLE HIRED ARE TOP QUALITY, AND IN AT LEAST TWO (2) CASES I AM AWARE OF TWENTY (20) YEARS VETERANS OF THE MISSOULA CITY POLICE DEPT.

6. AS FORMER CHIEF OF POLICE AND A STREET OFFICER AS WELL, I RECOGNIZE THE VALUE OF THESE OFFICERS. THEY RELIEVED THE CITY OF TREMENDOUS RESPONSIBILITY IN HANDLING CALLS TO THE CAMPUS AND THE ADJOINING UNIVERSITY OF MONTANA AREA. ALSO, YOU COULD COUNT ON THEM FOR BACKUP AND ASSISTANCE IF THE CALL WAS CRITICAL AND THEY WERE NEARBY.

THE OFFICERS SERVING UNIVERSITY OR COLLEGE POLICE FORCES ARE

EXHIBIT #11
DATE 3-14-91
~~HB~~ SB117

HELD TO THE SAME HIGH STANDARDS OF ETHICS, COMMON SENSE, ABILITY AND WILLINGNESS TO COMMUNICATE, COUPLED WITH EMOTIONAL STABILITY, AS OUR CITY,COUNTY AND STATE LAW ENFORCEMENT AGENCIES ARE.

THEY ARE REQUIRED AND EXPECTED TO ROLL ON ANY CALL INVOLVING THEIR JURISDICTION. THEY ARE INDEED, IN THE EYES OF THE PUBLIC, VIEWED AS A TOTAL OFFICER OF THE LAW. THEIR CALLS CAN BE VIOLENT AS WE'VE RECENTLY NOTED OR AS SIMPLE AS A LOST ITEM.

A JOURNEYMAN, TRADESMAN OR PROFESSIONAL PERSON NEEDS ALL THE TOOLS OF THEIR TRADE IN ORDER TO ACCOMPLISH THE MISSION ASSIGNED. THE PERPETRATOR OF A VIOLENT CRIME WILL NOT LOOK TO SEE WHAT TIME IT IS OR IF THE OFFICER IS ARMED. HE WILL ASSUME THAT BY THE APPEARANCE, THE OFFICER IS FULLY EQUIPPED. THE UNARMING DURING CERTAIN HOURS IS NOT ONLY UNFAIR TO THE OFFICER; BUT TO THE VICTIM THE OFFICER IS ATTEMPTING TO SERVE, OR THE BACKUP HE OR SHE IS ATTEMPTING TO PROVIDE TO A FELLOW OFFICER.

House Education
EXHIBIT #12
DATE 3-14-91
~~HB~~ SB 117

FOLDER CONTENT

TAB A — PROPOSED LEGISLATIVE CHANGE TO MONTANA CODE ANNOTATED (MCA 20-25-324)

TAB B — ARMING THE CAMPUS SECURITY OFFICER 24 HOUR PROTECTION

TAB C — PROPOSAL

TAB D — UNIVERSITY SECURITY OFFICER (Responsibilities) (Class Specification)

TAB E — LAW ENFORCEMENT EXPERIENCE RESIDENT AT THE UNIVERSITY OF MONTANA

TAB F — POLICIES AND PROCEEDURES FOR FIREARMS ON CAMPUS (Current Regulations)

TAB G — COPY OF SIGNED PETITION REQUESTING BOARD OF REGENTS AMMEND THE EXISTING LAW (MCA 20-25-324)

TAB H — LETTERS OF SUPPORT

(1) Office of the Governor (Senior Admin Assistant Fritz Behr)

(2) Department of Justice, Law Enforcement Academy Division (Basic Bureau Chief Jack Wiseman)

(3) Chief of Police, City Police Department, Missoula, MT

(4) Sheriff, Missoula County, Missoula, MT

(5) University of Montana, Director of Housing (Ron Brunell)

(6) Chief of Police Association (James P. Connors, President)

(7) Liz Stahl, University Staff, Comptrollers Office, University of Montana

(8) James P. Connors, President, Montana Assn of Chiefs of Police

(9) Brian K. Clifton, Director, Escort Student Patrol, University of Montana, UC Rm 105 Missoula, MT 59812

(10) Cal Wylie, President, Montana Highway Patrolmans Assn. 302 Cumberland, Lolo, MT

(11) Ernest T. Cox, President, Montana Retired Police Officers Assn.

#12
DATE 3-14-91
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TAB H (Con't) LETTERS OF SUPPORT

(12) Eric Hummel, Senator, Associated Students of the University of Montana

(13) Darcy Lynn Schacher, Graduate Student Master's of Public Administration

(14) Mary K. Kelly, Student, University of Montana

(15) Carol A. Stratemeyer, Student, University of Montana

TAB I REP DIST # 65, DON LARSEN, LETTER OF SUPPORT AND AGREEMENT TO SPONSOR THE PROPOSED LEGISLATIVE CAHNGE

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

EDUCATION & CULTURAL Resources COMMITTEE BILL NO. SB117

DATE 3-14-91 SPONSOR(S) Pipinich

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Ken Willett, Missoula	Univ of Montana	SB117		✓
Doug Chase	Mslu Sheriff	SB 117		✓
Ken Stolz	The University of Montana	SB117		✓
DENNIS CALIMAN	University of MT	SB117		✓
Steve Tompkins	University of MT	SB117		✓
FRITZ O. BEHR	GOVERNOR'S OFFICE	SB117		✓
LeRoy H. Schramm	Bd. of Regents	SB 117		✓
Jan Wright	Self	SB117		✓
[illegible]	MPEA	SB117		✓
John Mizlo	MFT	SB117		X
CHARLES L. GATEWOOD	UNIVERSITY OF MONTANA	SB117		X
Ken Heikes	MUS	SB117		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON SB 117

Motion: REP. COCCHIARELLA moved SB 117 BE CONCURRED IN.

Discussion: REP. COCCHIARELLA said she disliked the idea of campus security guards carrying firearms but said they are police officers and are expected to perform as such. The only way any campus security officers will carry arms as the bill is written is if the student population approves.

REP. SIMPKINS asked if the students say no, does that take precedence over the university arming the security guards or does this legislation say university officials merely have to consult with the student body. EDDYE MCCLURE said the amendment simply says consult. The Board of Regents does listen to the students quite a bit and would defer a lot to them but nothing in the amendment says the students could say no guns and the board must comply with their wishes. It is just a consultation mandate.

Vote: Motion CARRIED 17 to 3. EXHIBIT 9

EXECUTIVE ACTION ON SB 32

Motion/Vote: REP. DAILY moved SB 32 BE TABLED. Motion CARRIED upon voice vote 13 to 7 with REPS. BENEDICT, CLARK, ELLIS, FELAND, HANSON, SIMPKINS, and WALLIN voting no.

EXECUTIVE ACTION ON SB 287

Motion: REP. STANG moved SB 287 BE CONCURRED IN.

Discussion: REP. FORRESTER said he opposed SB 287 on the grounds to say home schooled students receive a superior education is an insult. They may receive a good education but it is not superior to that of their public school counterparts. REP. FORRESTER said he cannot support legislation based on these kinds of statements.

REP. BENEDICT said there is nothing in this bill stating they receive a superior education. This bill reaffirms their rights to home school and the responsibilities and rights of those parents who take on that opportunity. These folks continue to pay taxes to support the public education system.

REP. WALLIN said the spelling champion of Gallatin County is a home schooled student which points to the validity of this alternative method of education.

REP. STANG said many of the same programs taught in public schools are taught in home schools in his district. The accreditation standards are specific in citing the fewer students in a class, the better the education. Over the years home school education has continued proving itself as a valid alternative.

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL DATE 4-1-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

CS05ED.MAN

EXHIBIT #9
DATE 4-1-91
HB SB 117

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-1-91 BILL NO. SB 117 NUMBER

MOTION: Be Concurred In motion by Rep. Cocchiarella. Motion Carried 16 to 4 no

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
[illegible]		✓
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN	✓	
REP. DIANA WYATT		
TOTAL	17	3

HOUSE STANDING COMMITTEE REPORT

April 1, 1991

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Bill 117 (third reading copy -- blue) be concurred in .

Signed: _____
Ted Schye, Chairman

Carried by: Rep. Cocchiarella